



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,835	04/02/2001	Koji Shibata	Q63810	8472

7590 03/15/2004
SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,835	SHIBATA, KOJI	
	Examiner	Art Unit	
	THUAN T. NGUYEN	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2685

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimakawa et al. (U.S. Patent No. 6,452,644 B1/ or "Shima" for short).

Regarding claim 1, Shima discloses a broadcast receiver comprising:

a station selection part for selecting a broadcast station specified by a station selection command, i.e., a broadcast station identification or ID is used for identifying the broadcast station (col. 2/lines 44-49 & col. 3/lines 36-50);

a detection and demodulation part for receiving a radio wave from said broadcast station, and detecting and demodulating said radio wave to generate a received signal (Fig. 3, and col. 4/lines 20-30);

a signal analyzing part for analyzing said received signal and determining a signal processing mode (col. 4/lines 45-57 for decoding part for analyzing the received signal and determining the processing mode by identifying the received signal at the mode control portion MC);

Art Unit: 2685

a station selection controlling part for generating said station selection command using the result from said signal analyzing part, i.e., the broadcast station ID is identified and processed in the earlier steps and controlled under a CPU with the control information stored within the reception control information at the broadcast receiver(see col. 4/line 31 to col. 5/line 7); and

a reception status detecting part for interrupting, while receiving one broadcast station, the reception of said one broadcast station and receiving other broadcast stations based on said station selection command, thereby detecting a reception status of radio waves from other stations, i.e., the reception control information contains a plurality of parameters including the broadcast station ID, a broadcast channel, a transmission time and a retransmission time for indicating the status of each broadcast station (col. 3/lines 37-50); and it inherently suggests the broadcast receiver is receiving services from a plurality of broadcast stations since broadcast station ID is used. Thus, the reception from other radio stations reveals their statuses within the reception control information received at the broadcast receiver.

As for claim 2, this limitation is met as Shima discloses the extraction of a control signal from the received signal and analyzing it to check whether the received signal is interleaved along the time axis (col. 2/lines 17-25; and col. 4/lines 31-57 for extracting process).

As for claim 3, this limitation is met as Shima discloses the signal analysis part detects the amount of interleave included in the control signal for analysis, and the station selection controlling part generates the station selection command in accordance with the

Art Unit: 2685

result of the detection and analysis, i.e., the CPU controls and detection and analysis, and selects the retransmission accordingly and automatically as a result of the analysis and detecting of the amount of interleaves based on the reception control signal including the broadcast station ID for selection (col. 4/line 31 to col. 5/line 13).

As for claims 4 and 5, these limitations are met as Shima discloses the evaluation of the reception status of the currently receiving radio wave as well as a guard interval period in their signal within the station selection controlling part (col. 5/lines 4-55 for reception control information includes a guard time interval for retransmission times and the intermittent transmission data at a specified interval of time).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Limberg (US Patent 6,351,290 B1), Marko et al. (US Patent 6,154,452), Matsumoto (US Patent 5,862,104), and Yoshinobu (US Patent 5,734,444) disclose broadcast receiver systems related to broadcast control information.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9306, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

Art Unit: 2685

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is (703) 306-0377.



TONY T. NGUYEN
PATENT EXAMINER, FSA

Tony T. Nguyen
Art Unit 2685
March 4, 2004